

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No.: 3:22-CR-20-KAC-JEM-10
)
SAMUEL B. HARRIS,)
)
Defendant.)

ORDER ADOPTING REPORT AND RECOMMENDATION

This criminal case is before the Court on United States Magistrate Judge Jill E. McCook's "Report and Recommendation" ("Report") entered on June 2, 2022 [Doc. 111]. On March 25, 2022, United States Magistrate Judge Anthony P. Patti of the United States District Court for the Eastern District of Michigan issued an order releasing Defendant on conditions [*See* Doc. 49]. Judge Patti stayed the release order until March 28, 2022 to allow the United States to appeal, which it did [*See* Doc. 111 at 1]. On June 1, 2022, Judge McCook held a hearing on the United States's "Emergency Motion Under 18 U.S.C. [§] 3145 for Revocation of Magistrate Judge's Release Order," [*id.* at 1-2], during which the United States represented that it "no longer s[ought] detention" of Defendant because "conditions or a combination of conditions existed that would reasonably assure [Defendant's] appearance . . . and the safety of the community," [*id.* at 3]. But the United States sought different conditions than those Judge Patti initially imposed [*Id.* at 3]. Following the developments at the hearing, Judge McCook recommends that this Court deny as moot the United States's motion and release Defendant on the conditions to which the Parties agreed at the June 1 hearing [*See* Doc. 111]. The Parties have since indicated that they do not object to the Report [*See* Docs. 113; 114]. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(2).

As Judge McCook ably analyzed in her Report, the United States no longer opposes conditional pretrial release of Defendant [Doc. 111]. And based on the factors at 18 U.S.C. § 3142, releasing Defendant on the proposed conditions “will reasonably assure the appearance of [Defendant] as required and the safety of any other person and the community.” *See* 18 U.S.C. § 3142(g). Accordingly, having reviewed the record, the Court **ACCEPTS** and **ADOPTS** Judge McCook’s Report [Doc. 111] under 28 U.S.C. § 636(b)(1) and Federal Rule of Criminal Procedure 59(b) and **DENIES** as **MOOT** the United States’s “Emergency Motion Under 18 U.S.C. [§] 3145 for Revocation of Magistrate Judge’s Release Order” [Doc. 49]. The Court **DIRECTS** the Clerk of Court to enter the attached “Order Setting Conditions of Release,” and the Court **ORDERS** Defendant released on these conditions after processing.

IT IS SO ORDERED.



KATHERINE A. CRYTZER
United States District Judge